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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,088	01/13/2004	Drazen Lenger	75144-011800	3549

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EXAMINER

LUU, MATTHEW

ART UNIT PAPER NUMBER

2676

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,088

Applicant(s)

LENGER ET AL.

Examiner

LUU MATTHEW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings were received on May 17, 2004. These drawings are not accepted since there is no marking in the top margin as "**Replacement Sheet**".

The informal drawings are not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

Claim 1, the "data encoder for compressing data relating to the animated image (line 2), a transparency information component (line 4), an identification component (line 7) and a data decoder (line 8)";

Claim 2, the "LFIC file format";

Claim 3, the "transparency information component";

Claim 4, the "identification component is an information chunk", "a first chunk of a first frame of the FLIC file format" and "the decoder to determine that a different FLIC file format is being used";

Claim 5, the "information chunk contains information as to whether or not the FLIC file format being used";

Claim 6, the "information chunk contains information relating to a color palette";

Claim 7, "more than one color palette" and "a palette change chunk";

Claims 8-14 are the method of claims 1-7. Therefore, note the rejection as set forth above with respect to claims 1-7, respectively.

Claim 15, "inserting a transparency information component", "an identification component", "a data file" and "a data decoder";

Claim 16, the "at least one chunk";

Claim 17, the "transparency information component by way of an ALPHA technique";

Claim 18, "a second type of data relating to the ALPHA component";

Claim 19, "a run chunk", "a chunk header" and "one of work oriented run length encoding (RLE) and Huffman encoding";

Claim 20, "a count byte and at least one data word".

Claim 22, "a BGR color palette with the ALPHA component";

Claim 23, the "identification component is an information chunk" and "a first chunk of a first frame of the FLIC file format".

Claim 24, "inserting a palette change chunk into the data file" and "more than one palette";

Claim 25, the "color related information, "transparency related information", "an identification component", "chunk components" and "a data decoder";

Claim 26, "a gaming apparatus which includes a game controller and a display"
must be shown or the feature(s) canceled from the claim(s). No new matter
should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 and 8.

Line 2, "data encoder for compressing data relating to the animated image", it is unclear where exactly in the description of the invention and in the drawing that discloses "a data encoder for compressing data relating to the animated image". It is unclear how exactly this "data encoder" is formed and compressing data relating to the animated image.

Line 6, "an identification component", it is unclear where exactly in the description of the invention and in the drawing that discloses "an identification component contained

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in the data that identifies to a data decoder the compression format". It is unclear how this "identification component" is generated. It is unclear why this "identification component" is used to identify to a data decoder the compression format.

Claims 4 and 11.

It is unclear where exactly in the description of the invention and in the drawing that discloses the "identification component is an information chunk", "a first chunk of a first frame of the FLIC file format" and "the decoder to determine that a different FLIC file format is being used". What exactly is 'an information chunk'? What is "a first chunk of a first frame of the FLIC file format"?

Claims 5 and 12.

It is unclear where exactly in the description of the invention and in the drawing that discloses the "information chunk contains information as to whether or not the FLIC file format being used does contain any ALPHA information". What is the purpose of checking process of the information chunk and the ALPHA information? What is going to happen if the information chunk contains information as to the FLIC file format being used does contain any ALPHA information? What if it does not?

Claims 6 and 13.

It is unclear where exactly in the description of the invention and in the drawing that discloses the "information chunk contains information relating to a color palette".

Claims 7 and 14.

It is unclear where exactly in the description of the invention and in the drawing that discloses “more than one color palette is available for use, a palette change chunk is included in the data following the information chunk to enable a palette change to be effected”. What is “a palette change chunk”? Why “a palette change chunk” is used to change the palette?

Claim 15.

It is unclear where exactly in the description of the invention and in the drawing that discloses the claimed “inserting a transparency information component”, “an identification component”, “a data file” and “a data decoder”.

It is unclear how exactly this “data encoder” is formed and compressing data relating to the animated image. It is unclear how this “identification component” is generated. It is unclear why this “identification component” is used to identify to a data decoder the compression format.

Claim 16.

It is unclear where exactly in the description of the invention and in the drawing that discloses the claimed “inserting the transparency information component into at least one chunk of FLIC file.

Claim 18.

It is unclear where exactly in the description of the invention and in the drawing that discloses "a second byte of data relating to the ALPHA component".

Claim 19.

It is unclear where exactly in the description of the invention and in the drawing that discloses "a run chunk", "a chunk header" and "one of work oriented run length encoding (RLE) and Huffman encoding".

Claim 20.

It is unclear where exactly in the description of the invention and in the drawing that discloses "a count byte and at least one data word".

Claim 22.

It is unclear where exactly in the description of the invention and in the drawing that discloses "expanding the data word by using the least significant byte to get BGR information from a BGR color palette with the ALPHA component being taken from the most significant byte of the data word".

Claim 23.

It is unclear where exactly in the description of the invention and in the drawing that discloses the "identification component is an information chunk", "a first chunk of a

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first frame of the FLIC file format". What exactly is 'an information chunk'? What is "a first chunk of a first frame of the FLIC file format?"

Claim 24.

It is unclear where exactly in the description of the invention and in the drawing that discloses "inserting a palette change chunk into the data file where more than one palette is contained in the information chunk". What is "a palette change chunk"? Why "a palette change chunk" is used to change the palette?

Claim 25.

It is unclear where exactly in the description of the invention and in the drawing that discloses the "color related information", "transparency related information", "an identification component", "chunk components" and "a data decoder". It is unclear how exactly this "data encoder" is formed and compressing data relating to the animated image. It is unclear where exactly in the description of the invention and in the drawing that discloses "an identification component embodied in chunk components of the data". It is unclear how this "identification component" is generated. It is unclear why this "identification component" is used to identify to a data decoder the compression format.

Dependent claims are considered rejected for incorporating the defects from their respective parent claims by dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are, **as best understood**, are rejected under 35 U.S.C. 103(a) as being unpatentable over The Admitted Prior Art (APA) (Specification, page 1) in view of Yomdin et al (US 2005/0063596).

Regarding claims 1-26, the admitted prior art (APA) (Specification, page 1) discloses electronic gaming machines using a video display unit for displaying information relating to the gaming machine. The APA also discloses "Various software techniques for generating images are known. A commonly used technique is a FLIC file format. The FLIC file format is a temporal compression technique, which is able to provide efficient coding/decoding of a sequence of colored images using the primary colors of blue, green, red (BGR) (Section 0002).

The APA fails to disclose the "degrees of transparency".

However, Yomdin discloses (Figs.1 and 2) the encoding and decoding the VIM image representation. The VIM image representation is compressed and transmitted. On the receiving device, the compressed data is decoded (Section 547).

Yomdin also teaches the "degrees of transparency" are used for computing a average color value (section 601, the last two lines).

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Yomdin also discloses "If the input is AVI, Animated GIF or any other raster format, then an identification of the image parts with a small motion is optionally performed by any conventional motion detection method." (Section 0888).

Yomdin further teaches the identification of the VIM/CORE format (Section 0900).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the "degrees of transparency" in the animated generating system of Yomdin into the electronic gaming machines of APA to compute the average primary color values (R,G,B).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Iourcha et al (6,683,978) disclose (Fig. 3) an image encoder and (Fig. 5) an image decoder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (571) 272-7663. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a stylized flourish at the end.

MATTHEW LUU
PRIMARY EXAMINER